



Clark County Regional Support Network Policy Statement

Policy No.: CR01
Policy Title: Consumer Rights and Responsibilities
Effective Date: September 1, 2001

Policy: It is the policy of the CCRSN that all CCRSN staff and contracted agencies are responsible for recognizing the rights and responsibilities of RSN funded consumers and maintaining compliance with applicable federal and state laws and regulations. Providers are responsible for developing and implementing policies and procedures that ensure consumers understand their rights and responsibilities on an ongoing basis as specifically applicable within their organization or service.

Reference: WAC 388-865; Washington Mental Health Division RSN Interlocal Agreement; DSHS, MAA and Mental Health Services Joint Policy Statement; 42 CFR Subpart C: Enrollee Rights and Protections; other applicable federal and state laws (such as Title VI or the Civil Rights Act of 1964 as implemented by regulations in 45 CFR part 80, the Age Discrimination Act of 1965 as implemented by regulations in 45 CFR part 91, the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act); and 45 CFR Health Insurance Portability and Accountability Act (HIPAA) and any other laws regarding privacy and confidentiality

Purpose: The purpose of this policy is to establish the definition of consumer rights specified by state and federal requirements and CCRSN and to define the responsibilities of the clinical and administrative staff and clients as associated with the recognition of these rights.

1. Rights of Clients

- a) CCRSN affirms the individual's right to make decisions regarding his or her medical care, including the decision to discontinue treatment (to the extent permitted by law). CCRSN assists the consumer in the exercise of his or her rights and informs the person of any responsibilities incumbent upon him or her in the exercise of those rights.
- b) CCRSN does not prohibit or restrict a health care professional acting within the lawful scope of practice from advising or advocating on behalf of a consumer for:
 - i) The consumer's health status, medical care or treatment options, including alternative treatment that may be self-administered;
 - ii) Any information the consumer needs in order to decide among all relevant treatment options;
 - iii) The risks, benefits and consequences of treatment or non-treatment;
 - iv) The consumer's right to participate in decisions regarding his or her health care, including the right to refuse treatment and to express preferences about future treatment decisions.

- c) CCRSN requires subcontractors to protect the consumer's right to exercise his or her rights so that the consumer's rights and/or treatment are not adversely affected.
- d) CCRSN ensures that Medicaid enrolled consumers are not charged or held liable for:
 - i) Covered services provided to the consumer for which the state does not pay CCRSN;
 - ii) Any service provided on referral that exceeds what CCRSN would cover if provided within the network;
 - iii) Community psychiatric hospitals in the event of insolvency;
 - iv) Nonpayment by CCRSN to the provider.
 - v) Cost of second opinion provided by a qualified mental health care professional within the Provider Network .
- e) CCRSN requires subcontractors to:
 - i) Involve consumers in decisions about their mental health treatment;
 - ii) Provide access to clinical records for consumers;
 - iii) Ensure that consumers and their families understand their rights;
 - iv) Advise consumers of their rights in their primary language as needed;
 - v) Provide consumers with a copy of their rights at designated times and upon request.
- f) CCRSN requires providers to inform consumers of their rights with respect to any particular service within 30 days of adopting any policy changes
- g) CCRSN ensures provider compliance through an annual administrative monitoring review, review of providers' policies and procedures on access to clinical records, review of provider client access logs and a twice-yearly consumer survey.

2. **Statement of Client Rights**

- a) Consumers have the right to be informed, at the time of admission or enrollment in services, of CCRSN's Consumer Rights policy. The list of rights shall include, but not be limited to, the consumer's right to exercise these rights without regard to race, language, age, creed, disability, socioeconomic status, marital status, sex, culture, sexual orientation, education, or religious background.
- b) Consumers are to be free of any sexual exploitation or harassment.
- c) Consumers are to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation.
- d) Consumers are entitled to information about an agency's mechanism for the initiation, review, and resolution of complaints and grievances, including, but not limited to, quality of care.
- e) If the consumer has reason to believe his or her rights have been violated, he or she may lodge a complaint or file a grievance with CCRSN or the provider without losing service, suffering discrimination, or being mistreated.
- f) Statements of Consumer Rights are to be posted in public agency areas and available in the prevalent languages designated by the state.
- g) Consumers have a right to receive information on available treatment options and alternatives appropriate to their condition and ability to understand.

- h) The consumer has a right to request and receive a copy of his or her medical records and request amendment or correction in accordance with state and federal regulations.
- i) Consumers have the right to receive the amount and duration of medically necessary health care services consistent with the scope of the CCRSN's contracted services and in accordance with state and federal requirements.
- j) Consumers have a right to receive services in a barrier-free (accessible) location.
- k) Consumers have a right to request information about names, location, phones, and languages for local agencies.
- l) Consumers have a right to request information about the structure and operation of CCRSN.
- m) Consumers have a right to have a second opinion from a mental health professional.
- n) Consumers have a right to file an appeal based on a PIHP written Notice of Action.
- o) Consumers have a right to file a request for a fair hearing anytime they feel there has been a violation of the Washington Administrative code.

3. Consent

- a) The consumer has the right to the information necessary to give informed consent or refuse a course of treatment and to collaborate with his or her practitioner in decisions involving the individual's treatment.
- b) The consumer has the right to accept care or refuse treatment, to the extent permitted by law, and to be informed of the medical consequences of such refusal.
- c) The consumer has the right to formulate advance directives and appoint a surrogate to make health care decisions on his or her behalf to the extent permitted by law.
- d) The consumer has the right to know who is responsible for authorizing and performing procedures or treatment and the professional status of individuals providing services.
- e) The consumer has the right to receive an explanation of all medications prescribed, including side effects.
- f) The consumer (or the parent/guardian of a child under 13 years) has the right to choose a provider.
- g) The consumer has a right change mental health care providers within the first 30 days of enrollment, or to change clinician once a year for any reason.
- h) The consumer shall be informed if the provider proposes to engage in research or educational projects affecting his or her care of treatment, and has the right to refuse to participate in any such activity.

4. Respect and Dignity

The consumer has the right to be treated with respect and dignity. The consumer has the right to considerate, respectful care at all times and under all circumstances, with recognition of his or her personal dignity and privacy. This care includes consideration of the psychosocial, spiritual, and cultural variables that influence the perceptions of illness.

5. Privacy and Confidentiality

- a) The consumer has the right to wear appropriate personal clothing and religious or other symbolic items as long as they do not interfere with his or her treatment.
- b) The consumer has the right to expect that any discussion or consultation involving his or her case will be conducted discreetly.
- c) The consumer has the right to have his or her medical record accessed only in accordance with applicable law.
- d) The consumer has the right to expect all communications and other records pertaining to his or her care to be treated as confidential unless the law requires the sharing of information, including, but not limited to, danger to self, danger to others, or court order.

6. Personal Safety

The consumer has the right to expect reasonable safety insofar as the agency's practices and environment are concerned.

7. Communication

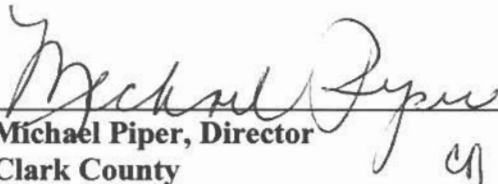
- a) When the consumer does not speak or understand the predominant language of the community, he or she shall have access to a certified language interpreter or sign language interpreter at no cost, and written materials in alternate format to accommodate any disability in compliance with federal regulations.
 - i) Written materials include, but are not limited to, the DSHS Benefits Booklet and the CCRSN Consumer and Family Handbook.
 - ii) Providers shall maintain a signed acknowledgement by the consumer of receipt of the DSHS Benefits Booklet and CCRSN Consumer and Family Handbook in the clinical record.
 - iii) CCRSN shall monitor documentation of consumer receipt of the DSHS Benefits Booklet and the CCRSN Consumer and Family Handbook during annual administrative review.
- b) CCRSN requires providers to ensure that consumers are informed understand their rights.
- c) CCRSN requires providers to inform consumers of their rights at intake and every 180 days.

8. Client Responsibilities

- a) The consumer has the responsibility to provide, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, and other matters relating to his or her health to the appropriate practitioners. He or she has the responsibility to report unexpected changes in his or her condition to the responsible practitioner. A consumer is responsible for making it known whether he or she clearly comprehends a contemplated course of action and what is expected of him or her.
- b) The consumer is expected to participate in the development of his or her unique treatment plan in collaboration with the primary practitioner. The consumer is

responsible for keeping appointments and, when he or she is unable to do so for any reason, to notify the practitioner or agency.

Approved By: _____


Michael Piper, Director
Clark County
Department of Community Services

Date: _____

11-17-05